

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:

**LINDSEY MICHELLE HARRIS,
DEBTOR.**

Address: 2505 Princewood Street
Raleigh, NC
SSN: xxx-xx-8186

**CASE NO. 11-00133-8-JRL
CHAPTER 13**

OBJECTION TO CLAIM OF NC STATE EDUCATION ASSISTANCE AUTHORITY

To The Honorable United States Bankruptcy Court Judge Presiding:

Lindsey Michelle Harris (the “**Debtor**”), pursuant to the provisions of 11 U.S.C. §502, B.R. 3007 and B.R. 9014, objects to the claim filed by NC State Education Assistance Authority (the “**Claimant**”), stating the following:

1. Debtor filed a voluntary petition pursuant to the provisions of Chapter 13, Title 11 U.S.C. on January 6, 2011 (the “**Petition Date**”).
2. An order confirming the Chapter 13 Plan of Debtor (the “**Confirmation Order**”) has not been entered to date.
3. Claimant filed a proof of claim in the amount of \$75,837.39. This claim is the court’s claim number 5.
4. Debtor objects to the claim filed by Claimant for the reason(s) that (i) upon information and belief, Debtor believes she signed only the Federal Stafford Loan Master Promissory Note dated 4/14/05 that was attached to the Proof of Claim and the North Carolina’s EXTRA Education Loan Application and Promissory Note dated 4/14/05 that was attached to the Proof of Claim, (ii) upon information and belief, the Debtor believes she did not sign the North Carolina’s EXTRA Education Loan Application and Promissory Notes dated 2/27/06, 5/2/06, 3/19/07, 5/3/07, 3/25/08, 7/15/08, 8/26/08, or 3/24/09 attached to the Proof of Claim (iii) Debtor believes the student loan debt listed in “(ii)” above was fraudulently obtained.
5. The amount of the claim filed by Claimant should be reduced to the amount the Debtor actually obtained less the amount the Debtor has actually paid. Debtor believes this amount to be \$10,000.00 less the \$1,128.00 already paid to the Claimant by the Debtor.

PRAYER

Wherefore, Debtor, respectfully requests (i) that the claim of Claimant be reduced to the amount obtained by the Debtor, (ii) that Debtor be granted such other and further relief, at law or in equity, general or special, to which Debtor may be justly entitled by this pleading or by subsequent amendments to this pleading.

Dated: May 19, 2011

Respectfully submitted,
Ryan Dyson, PLLC

By: /s/ Ryan Dyson, Manager
Ryan Dyson
N.C. State Bar No. 6601
8520 Six Forks Road, Suite 101
Raleigh, North Carolina 27615-3096
919/844-6999; 919/845-8464 (facsimile)
ryan@ryandysonlaw.com

NOTICE OF OBJECTION TO CLAIM AND CERTIFICATE OF SERVICE

To: All Creditors and Parties In Interest

Notice is hereby given pursuant to B.R. 3007 of the Objection To Claim, filed simultaneously herewith by the Debtor in the above-captioned case; and

Further notice is hereby given that if you fail to respond or otherwise plead or request a hearing in writing within thirty (30) days from the date of this notice, the relief requested in the Objection may be granted without further hearing or notice; and

Further notice is hereby given that if a response and a request for a hearing is filed in writing by a creditor or other party in interest within the time indicated, a hearing will be conducted on the Objection and response thereto at a date, time and place to be later set by this Court and all interested parties will be notified accordingly.

Date of Notice: May 19, 2011

Respectfully submitted,
Ryan Dyson, PLLC

By: /s/ Ryan Dyson, Manager
Ryan Dyson

CERTIFICATE OF SERVICE

I, Michael Ryan Dyson, of Raleigh, North Carolina, certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on the date stated, I served copies of the foregoing objection to claim by depositing a true and correct copy into the regular first class United States mail, postage prepaid, and properly addressed, or, if such interested party is a filing user, by serving such interested party by electronic transmission pursuant to Local Rule 5005-4(9)(b), to the following:

Trawick H. Stubbs
Chapter 13 Trustee
PO Box 1618
New Bern, NC 28563-1618

NC State Education Assistance Authority
Attn: Managing Agent
PO Box 14002
Research Triangle Park, NC 27709-4002

Ms. Lindsey M. Harris
2505 Princewood Street
Raleigh, NC 27612-6063

College Foundation
Attn: Managing Agent
PO Box 41950
Raleigh, NC 27629-1950

** Certified 7196 9007 0170 0000 0061 **

NC State Attorney General's Office
9001 Mail Service Center
Raleigh, NC 27699-9001

I certify under penalty of perjury that the foregoing is true and correct.

Dated: May 19, 2011

Ryan Dyson, PLLC

By: /s/ Ryan Dyson, Manager
Ryan Dyson